



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 10841US04)

385-201
08/770647

K. Ward
1/31/97
#23/Pro Amult
J. Ent.

In the Application of:)
)
Steven J. Iseberg et al.)
)
Continuation of Serial)
No.: 08/597,940)
)
Filed: February 7, 1996)
)
For: HIGH FIDELITY)
INSERT EARPHONES)
AND METHODS FOR)
MAKING SAME)

Assistant Commissioner for
Patents and Trademarks
Box FWC
Washington, D.C. 20231

This is a Request for filing a

- * continuation-in-part
- X** continuation
- * divisional

application under 37 C.F.R. 1.62 of prior application

Serial No. 08/597,940

filed on February 7, 1996

entitled **HIGH FIDELITY INSERT EARPHONES AND METHODS OF
MAKING SAME**

by the following named inventor(s).

Steven J. Iseberg
Donald L. Wilson

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The above identified prior application, in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application. (Note: 37 CFR 1.60 may be used for applications where the prior application is not to be abandoned.)

Enclosed are :

- * Checks in the amounts of \$385 and \$195, respectively, to cover the fees calculated below.
- * A copy of the assignment of rights in the invention, as filed in the parent application and recorded at Reel 7500, Frame 0164; and
- * Petition for a one-month extension of time to file a response to the Office Action dated August 25, 1996, in the parent case.

The filing fee due for this application is affected because:

- * The small entity fee schedule applies. A verified statement that this is a filing by a small entity was filed in application Serial No. 07/880,244 on July 25, 1994. This status is still proper, and its benefit under 37 CFR 1.28(a) is hereby claimed.

The filing fees are calculated as follows for a small entity:

* Small Entity Fees

	Claims presented	Extra claims	Rate per extra claim	Fee
Total claims	3	- 20 = 0	x \$11 ..	.00
Indep claims	3	- 3 = 0	x \$38 ..	.00
Basic fee			\$385.00
Multiple dependent claim presented (\$120 if any present)...				<u>.00</u>
Total filing fee			<u>\$385.00</u>

Fee for one-month extension of time to file response to Office Action in parent case.	\$195.00
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TOTAL FEES	<u>\$580.00</u>
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The following arrangements are being made to pay the government fees due.

- * Checks in the amounts of \$385 and \$195, respectively, to cover the above-calculated fees, are enclosed. The Commissioner is hereby authorized to charge any additional fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.
- * The Commissioner is hereby authorized to charge the filing and extra claim fees which are presently required to Deposit Account No. 13-0017.
- * The Commissioner is hereby authorized to charge future fees which become due during the pendency of this application under 37 C.F.R. 1.16 a, b, c, d, f, or g or 37 C.F.R. 1.17 to Deposit Account No. 13-0017.

The specification should be amended as indicated below:

- * Please amend the Specification by inserting before the first line the sentence:

FI
(A) This is a continuation of application Serial No. 08/597,940, filed February 7, 1996, ^{now abandoned}

INS
E'

The ownership of the application is as follows:

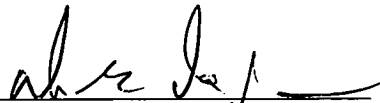
- * The prior application is assigned to Etymotic Research, Inc., and a copy of the original assignment is submitted herewith.

Address all future written communications and telephone calls to:

William E. Vaughan, Esq.
McANDREWS, HELD & MALLOY, LTD.,
500 W. Madison, 34th Floor.
Chicago, IL 60661
312.707.8889

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that, if information is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

McANDREWS, HELD & MALLOY, LTD.

By: 
William E. Vaughan
Reg. No. 39,056

Dated: December 19, 1996



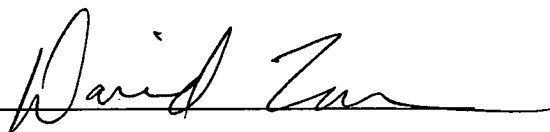
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**CERTIFICATE OF MAILING BY
EXPRESS MAIL**

Label No.: **EM255281782US**

I hereby certify that this correspondence
is being deposited with the United
States Postal Service "Express Mail
Post Office to Addressee" service in an
envelope addressed to: Asst.
Commissioner for Patents, Washington,
DC 20231, on December 19, 1996.



TRANSMITTAL LETTER

Asst. Commissioner for Patents
Washington, DC 20231

Sir:

In regard to the above-identified application:

1. We are transmitting herewith the attached:

- * request for Filing a Continuation Application under 37 C.F.R. 1.62 of prior application, U.S. Patent Application Serial No. 08/597,940, filed February 7, 1996;
- * checks in the amounts of \$385 and \$195 to cover the fees calculated and set forth in the attached Request for Filing a Continuation Application;
- * a copy of the Assignment of rights in the invention, as filed in the parent application and recorded at Reel 7500, Frame 0164; and
- * a Petition for a one-month extension of time to file a response to the Office Action dated August 20, 1996, in the parent case.

2. With respect to additional fees:

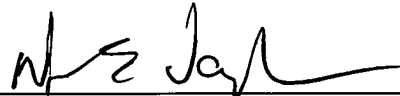
☒ A. Checks in the amounts of \$385 and \$195 are enclosed.

☐ D. Charge the total additional fee to the Deposit Account of McAndrews, Held & Malloy, Ltd. The Account No. is 13-0017.

3. Please charge any additional fees or credit overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Date: December 19, 1996

By



William E. Vaughan

Reg. No. 39,056

Attorney for Applicants

MCANDREWS, HELD & MALLOY, LTD.

500 W. Madison, 34th Floor

Chicago, IL 60661

312.707.8889